



**ASIC**

Australian Securities & Investments Commission

## INFORMATION SHEET 46

### Liquidation: a guide for employees

If a company is in financial difficulty, its shareholders, creditors or the court can put the company into liquidation.

This information sheet provides general information for employees of companies in liquidation. Employees should also read ASIC information sheet INFO 45 *Liquidation: a guide for creditors*.

#### Who is an employee?

You are likely to be classified as an employee if you are:

- engaged by a company under an award, Certified Agreement, Australian Workplace Agreement, or a contract of employment, and
- paid a salary, wages or commission.

Contractors are not employees. They are ordinary unsecured creditors of the company.

If you are an employee who is owed money for unpaid wages, superannuation, annual leave, sick leave, long service leave, retrenchment pay or other benefits, you are a creditor of the company. You may be entitled to some or all of what you are owed in priority to the company's other creditors.

#### The purpose of liquidation

The purpose of liquidation of an insolvent company is to have an independent and suitably qualified person (the liquidator) take control of the company so that its affairs can be wound up in an orderly and fair way for the benefit of creditors.

There are two types of insolvent liquidation:

- creditors' voluntary liquidation, and
- court liquidation.

The most common type is a creditors' voluntary liquidation, which usually begins in one of two ways:

- creditors vote for liquidation following a voluntary administration or a terminated deed of company arrangement, or
- an insolvent company's shareholders resolve to liquidate the company and appoint a liquidator. Within 11 days of being appointed by shareholders, the liquidator must call a meeting of creditors who may confirm the liquidator's appointment or appoint another liquidator of the creditors' choice.

**Important note:** This information sheet contains a summary of basic information on the topic. It is not a substitute for legal advice. Some provisions of the law referred to may have important exceptions or qualifications. This document may not contain all of the information about the law or the exceptions and qualifications that are relevant to your circumstances. You will need a qualified professional adviser to take into account your particular circumstances and to tell you how the law applies to you.

# Liquidation Guide 2014

**IM Harris**



## **Liquidation Guide 2014:**

**Rescue of Business in Europe** Gert-Jan Boon,2020-01-30 This edited volume is based on the European Law Institute s ELI project Rescue of Business in Insolvency Law The project ran from 2013 to 2017 under the auspices of the ELI and was conducted by Bob Wessels and Stephan Madaus who were assisted by Gert Jan Boon The study sought to design elements of a legal framework that will enable the further development of coherent and functional rules for business rescue in Europe This includes certain statutory procedures that could better enable parties to negotiate solutions where a business becomes financially distressed Such a framework also includes rules to determine in which procedures and under which conditions an enforceable solution can be imposed upon creditors and other stakeholders despite their lack of consent The project had a broad scope and extended to consider frameworks that can be used by non financial businesses out of court and in a pre insolvency context Part I of this book the ELI Instrument as approved by the ELI Council and General Assembly features 115 recommendations on a wide variety of themes affected by the rescue of financially distressed businesses such as the legal rules for professions and courts treatment and ranking of creditors claims contract corporate and labour law as well as laws relating to transaction avoidance Part II consists of national reports that sketch the legal landscape in 13 States and of an Inventory Report on International Recommendations from Standard Setting Organisations both of which provided insight for the drafting of the Instrument This volume is designed to assist those involved in a process of law reform and those setting standards for soft law in the business rescue context

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**Farmers' Guide** ,1897 Security Owner's Stock Guide Standard and Poor's Corporation,1991 **Real Estate Record and Builders' Guide** ,1914 **Financial Institutions in Distress** Ronald Davis,Stephan Madaus,Monica Marcucci,Irit Mevorach,Riz Mokai,Barbara Romaine,Janis Sarra,Ignacio Tirado,2023-08-10 Political boundaries are often porous to finance financial intermediation and financial distress Yet they are highly impervious to financial regulation When inhabitants of a country suffering a deficit of purchasing power are able to access and deploy funds flowing in from a country with a surfeit of such power the inhabitants of both countries may benefit They may also benefit when institutions undertaking such cross border financial intermediation experience economies of scale and are able to innovate and to offer funds and services at lower costs Inevitably however at least some such institutions will sometimes act imprudently some of the projects in which such funds are deployed may be unwise and other such projects can suffer from unforeseen circumstances As a result of such factors a financial institution may suffer distress in one country and may then transmit

such distress to other countries in which it operates The efficacy of any response to such cross border transmission of distress may turn on the response being given due effect in both or all the territories in which the distressed financial institution operates This situation creates a conundrum for policymakers legislators and regulators who wish to enable those subject to their jurisdiction to access the benefits of cross border financial intermediation yet cannot make rules and regulations that would have effect outside that jurisdiction This book explores this conundrum and offers a response It does so by drawing on and adding to the literatures on financial intermediation regulation and distress and on existing hard and soft laws and regulations The book advocates for the creation of a model law that would address the full range of financial institutions including insurance companies and that would enable relevant authorities to cooperate with counterparts in advance of the onset of distress and to give appropriate effect in their jurisdiction to measures taken by counterpart authorities in other jurisdictions in which the distressed institution also operates

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## **Liquidation Guide 2014** Book Review: Unveiling the Magic of Language

In an electronic era where connections and knowledge reign supreme, the enchanting power of language has become much more apparent than ever. Its capability to stir emotions, provoke thought, and instigate transformation is really remarkable. This extraordinary book, aptly titled "**Liquidation Guide 2014**," written by a very acclaimed author, immerses readers in a captivating exploration of the significance of language and its profound effect on our existence. Throughout this critique, we will delve into the book's central themes, evaluate its unique writing style, and assess its overall influence on its readership.

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### **Table of Contents Liquidation Guide 2014**

1. Understanding the eBook Liquidation Guide 2014
  - The Rise of Digital Reading Liquidation Guide 2014
  - Advantages of eBooks Over Traditional Books
2. Identifying Liquidation Guide 2014
  - Exploring Different Genres
  - Considering Fiction vs. Non-Fiction
  - Determining Your Reading Goals
3. Choosing the Right eBook Platform
  - Popular eBook Platforms
  - Features to Look for in an Liquidation Guide 2014
  - User-Friendly Interface
4. Exploring eBook Recommendations from Liquidation Guide 2014
  - Personalized Recommendations
  - Liquidation Guide 2014 User Reviews and Ratings
  - Liquidation Guide 2014 and Bestseller Lists
5. Accessing Liquidation Guide 2014 Free and Paid eBooks

- Liquidation Guide 2014 Public Domain eBooks
- Liquidation Guide 2014 eBook Subscription Services
- Liquidation Guide 2014 Budget-Friendly Options
- 6. Navigating Liquidation Guide 2014 eBook Formats
  - ePub, PDF, MOBI, and More
  - Liquidation Guide 2014 Compatibility with Devices
  - Liquidation Guide 2014 Enhanced eBook Features
- 7. Enhancing Your Reading Experience
  - Adjustable Fonts and Text Sizes of Liquidation Guide 2014
  - Highlighting and Note-Taking Liquidation Guide 2014
  - Interactive Elements Liquidation Guide 2014
- 8. Staying Engaged with Liquidation Guide 2014
  - Joining Online Reading Communities
  - Participating in Virtual Book Clubs
  - Following Authors and Publishers Liquidation Guide 2014
- 9. Balancing eBooks and Physical Books Liquidation Guide 2014
  - Benefits of a Digital Library
  - Creating a Diverse Reading Collection Liquidation Guide 2014
- 10. Overcoming Reading Challenges
  - Dealing with Digital Eye Strain
  - Minimizing Distractions
  - Managing Screen Time
- 11. Cultivating a Reading Routine Liquidation Guide 2014
  - Setting Reading Goals Liquidation Guide 2014
  - Carving Out Dedicated Reading Time
- 12. Sourcing Reliable Information of Liquidation Guide 2014
  - Fact-Checking eBook Content of Liquidation Guide 2014
  - Distinguishing Credible Sources
- 13. Promoting Lifelong Learning
  - Utilizing eBooks for Skill Development

- Exploring Educational eBooks

#### 14. Embracing eBook Trends

- Integration of Multimedia Elements
- Interactive and Gamified eBooks

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